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NAZI WAR CRIMES DISCLOSURE ACT
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TEXT
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FOR ALVIN DRISCHLER WITH CODEL LONG PARTY
FOLLOWING REPEAT STATE 227679 ACTION PARIS INFO BONN
LONDON LA PAZ BELGRADE AUG 12.

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TAGS: SCOM, US, FR, GE, BL
SUBJECT: SUMMARY OF REPORT ON KLAUS BARBIE
REF: STATE 71299

1. DEPARTMENT OF JUSTICE HAS COMPLETED INVESTIGATION (REFTEL) ON CONNECTION BETWEEN GESTAPO OFFICIAL KLAUS BARBIE AND USG DURING POSTWAR PERIOD. FINAL REPORT BEING REPRODUCED AND WILL BE AVAILABLE FOR PUBLIC RELEASE VERY SOON.
2. PRIOR TO RELEASE OF FINAL REPORT JUSTICE WILL BRIEF STAFFS OF CONGRESSIONAL COMMITTEES ON INTELLIGENCE, JUDICIARY AND FOREIGN AFFAIRS. WE PLAN TO PROVIDE COPIES OF FINAL REPORT TO WASHINGTON EMBASSIES OF INTERESTED GOVERNMENTS. COPY WILL ALSO BE SENT POSTS,
3. THIS MESSAGE FORWARDS SUMMARY OF FINAL REPORT PREPARED BY JUSTICE. EMBASSIES SHOULD DRAW UPON THIS SUMMARY IN BRIEFING APPROPRIATE HOST GOVERNMENT

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OFFICIALS OF PRINCIPAL FINDINGS OF THE INVESTIGATION AS SET FORTH THEREIN.

4. SECTION I. INTRODUCTION TO REPORT ON **KLAUS**

BARBIE. DURING WORLD WAR II, BARBIE WAS THE DEPUTY COMMANDER OF AN SS GROUP IN LYON, FRANCE, RESPONSIBLE FOR NEUTRALIZING FRENCH RESISTANCE. HE WAS ALSO CHIEF OF THE GESTAPO, WHICH WAS PART OF THIS GROUP. HIS GESTAPO SERVICE, HOWEVER, WAS NOT REFLECTED IN HIS PERSONNEL FILE (WHICH WAS AVAILABLE TO AMERICAN INTELLIGENCE AFTER THE WAR). THAT FILE PORTRAYED BARBIE AS AN INTELLIGENCE OFFICER IN THE SS. WHILE ARMY INTELLIGENCE HAD SOME INFORMATION THAT BARBIE HAD BEEN WITH THE GESTAPO, THIS INFORMATION WAS NOT NECESSARILY INCONSISTENT WITH HIS ROLE AS AN INTELLIGENCE OFFICER. THERE WAS NO EVIDENCE OF POSSIBLE WAR CRIMES AVAILABLE TO ARMY INTELLIGENCE IN THE IMMEDIATE POST-WAR YEARS.

5. SECTION II. BARBIE'S RECRUITMENT AND USE BY THE U.S. ARMY, 1947-49.

A. OPERATION SELECTION BOARD. IN 1946, BARBIE WAS IDENTIFIED AS ONE OF THE LEADERS OF A CLANDESTINE ORGANIZATION OF EX-SS OFFICERS. THE ARMY COUNTER INTELLIGENCE CORPS (CIC) INFILTRATED THIS MOVEMENT AND CONDUCTED A "SWEEP" ARREST IN FEBRUARY 1947. BARBIE ELUDED CAPTURE, AND MADE HIS WAY TO THE MUNICH AREA BY 1947.

B. RECRUITMENT AND USE OF BARBIE BY CIC, APRIL-OCTOBER, 1947. BARBIE ENCOUNTERED KURT MERK, A FORMER ABWEHR OFFICER WHOM HE HAD KNOWN DURING THE WAR. MERK WAS THEN WORKING FOR CIC, AND HE INTRODUCED BARBIE TO HIS HANDLING AGENT. THE AGENT KNEW THAT BARBIE WAS SUBJECT TO ARREST, BUT AFTER CONSULTING WITH THE CIC REGION COMMANDER IN MUNICH, THE AGENT HIRED BARBIE AS AN INFORMANT. BARBIE WORKED WITH MERK IN A LARGE NET TARGETTED AGAINST SOVIET ACTIVITIES IN THE U.S. ZONE AND FRENCH ACTIVITIES IN BOTH THE U.S. AND FRENCH ZONES. -

C. ARREST AND INTERROGATION OF BARBIE, OCTOBER 1947-MAY 1948. CIC HEADQUARTERS IN FRANKFURT, WHICH HAD IGNORED A REPORT FROM MUNICH IN MAY THAT BARBIE WAS WORKING AS AN INFORMANT, DISCOVERED THE FACT IN OCTOBER. HEADQUARTERS TOLD THE MUNICH OFFICE TO ARREST BARBIE AND TRANSFER HIM TO FRANKFURT FOR INTERROGATION. BUT IT ASSURED MUNICH THAT THE QUESTIONING WOULD CONCERN OTHER SS OFFICERS STILL AT LARGE, AND THAT BARBIE WOULD BE RETURNED TO MUNICH AFTER THE QUESTIONING WAS OVER. HEADQUARTERS DEMONSTRATED NO INTEREST IN BARBIE'S WARTIME ACTIVITIES. BARBIE WAS TRANSFERRED TO FRANKFURT, QUESTIONED ABOUT SS OFFICERS AND HIS OWN ACTIVITIES FOR CIC.

D. BARBIE'S RENEWED USE, 1948-49. BARBIE WAS RETURNED TO AUGSBURG IN THE SPRING OF 1948 AND WAS PUT BACK TO WORK IN A NET WITH MERK AND SEVERAL OTHER PEOPLE, GATHERING INTELLIGENCE ON BOTH SOVIET ACTIVITIES IN THE U.S. ZONE AND FRENCH ACTIVITIES IN THE FRENCH ZONE. HEADQUARTERS GREW INCREASINGLY DISSATISFIED WITH

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VARIOUS ADMINISTRATIVE AND SECURITY PROBLEMS INVOLVED IN RUNNING A "NET", AND BY THE SPRING OF 1949 IT ORDERED THE NET DISSOLVED. IT INSTRUCTED THE AUGSBURG OFFICE TO CONTINUE TO EMPLOY BARBIE IN HIS INDIVIDUAL CAPACITY TO RECRUIT INFORMANTS.

E. INTERROGATION OF BARBIE BY FRENCH INTELLIGENCE. FRENCH ;UTHORITIES NOTIFIED CIC THAT THEY KNEW THAT BARBIE WAS IN U.S. CUSTODY AND THAT THEY WANTED TO INTERROGATE HIM IN CONNECTION WITH THE PENDING TRIAL IN PARIS OF RENE HARDY, A FRENCH RESISTANCE LEADER ACCUSED OF HAVING BETRAYED HIS ORGANIZATION TO BARBIE IN LYON. CIC AGREED AND FRENCH POLICE CAME TO THE U.S. ZONE AND TOOK A DEPOSITION FROM BARBIE FOR USE IN THE HARDY TRIAL.

6. SECTION III. FRANCE REQUESTS EXTRADITION.

A. PUBLIC ACCUSATIONS OF TORTURE AGAINST BARBIE AND CIC'S RESPONSE. IN MAY 1949, CIC HEADQUARTERS READ REPORTS IN THE FRENCH PRESS THAT A GROUP OF FORMER RESISTANCE FIGHTERS HAD PUBLICLY ACCUSED BARBIE OF HAVING USED TORTURE IN HIS INTERROGATION DURING THE WAR, AND THAT BARBIE WAS BEING PROTECTED BY U.S. AUTHORITIES IN MUNICH. HEADQUARTERS DIRECTED THE AUGSBURG OFFICE TO DROP BARBIE AS AN INFORMANT. THE AUGSBURG OFFICE CONTINUED TO EMPLOY BARBIE, PERHAPS WITH HEADQUARTERS' KNOWLEDGE. IN ANY EVENT, IN JANUARY 1950, HEADQUARTERS SENT AN ORDER TO THE AUGSBURG OFFICE IMPLYING THAT BARBIE COULD CONTINUE TO BE USED.

B. FRENCH REQUESTS TO HICOG TO OBTAIN BARBIE'S SURRENDER. SHORTLY AFTER THE PUBLIC CHARGES THAT BARBIE WAS IN U.S. CUSTODY, FRENCH AUTHORITIES IN OCCUPIED GERMANY ASKED THE U.S. HIGH COMMISSION FOR GERMANY (HICOG), AN ARM OF THE STATE DEPARTMENT, TO TURN BARBIE OVER FOR TRIAL. HICOG DID NOT KNOW THAT BARBIE WAS IN CIC'S EMPLOY, AND REPLIED TO THE FRENCH THAT BARBIE HAD BEEN PLACED ON THE "WANTED LIST", BUT THAT FURTHER INFORMATION, INCLUDING HIS EXACT RESIDENCE, WOULD BE NECESSARY FOR EXTRADITION IN THE EVENT BARBIE WAS CAUGHT.

C. CIC'S DECISION THAT BARBIE "SHOULD NOT BE PLACED IN THE HANDS OF THE FRENCH." IN LATE APRIL 1950, THE HARDY TRIAL TOOK PLACE IN PARIS, AND THE TESTIMONY OF **KLAUS BARBIE** WAS READ INTO EVIDENCE. HARDY'S LAWYER CHARGED THAT BARBIE WAS IN U.S. PROTECTION, A CHARGE BORNE OUT BY THE TESTIMONY. THE CHARGES AROUSED CONSIDERABLE PUBLICITY, AND CIC WAS PUT IN AN AWKWARD POSITION: TO TURN BARBIE OVER TO THE FRENCH WOULD CAUSE EMBARRASSMENT TO CIC DUE TO HIS LONG USE, AND A TRIAL OF BARBIE BY THE FRENCH WOULD RISK COMPROMISE OF CIC OPERATIONS AND PERSONNEL KNOWN TO BARBIE. CIC THUS DECIDED NOT TO PUT BARBIE INTO THE HANDS OF THE FRENCH.

D. RESPONSE BY HICOG TO THE FRENCH GOVERNMENT. THE CHARGES BY HARDY'S LAWYER, AND THE RESULTANT PUBLICITY, PUT HICOG ON THE SPOT AS WELL, SINCE IT HAD PREVIOUSLY BEEN UNAWARE THAT BARBIE, THE SUBJECT OF FRENCH INQUIRIES, WAS ALLEGEDLY IN CIC CUSTODY. ON MAY 3, EUCOM COMMUNICATED WITH HICOG AND APPARENTLY DISCLOSED THAT BARBIE HAD ONCE BEEN IN CIC CUSTODY, BUT EUCOM DID

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NOT TELL HICOG THAT BARBIE STILL WAS. HICOG DEBATED WHAT TO TELL THE FRENCH--AND THE U.S. EMBASSY IN PARIS, WHICH WAS RECEIVING THE BRUNT OF FRENCH PUBLIC REACTION--AND ARRANGED A MEETING WITH EUCOM OFFICIALS. E. DISCUSSIONS BETWEEN HICOG AND EUCOM/CIC. IN JUNE, HICOG'S DIRECTOR OF INTELLIGENCE MET WITH EUCOM'S DIRECTOR OF INTELLIGENCE AND CIC'S OPERATIONS OFFICER. THE CIC AND EUCOM REPRESENTATIVES TOLD HICOG THAT CIC HAD DISCONTINUED USE OF BARBIE IN 1949 FOLLOWING PUBLISHED ALLEGATIONS THAT HE HAD BEEN A WAR CRIMINAL, AND THAT CIC HAD BROKEN CONTACT WITH BARBIE IN APRIL 1950, JUST PRIOR TO THE ALLEGATIONS OF U.S. USE MADE IN THE HARDY TRIAL. THESE STATEMENTS WERE FALSE. HICOG HAD NO REASON TO DISBELIEVE THEM, HOWEVER, AND IT REPORTED BOTH TO THE STATE DEPARTMENT AND THE FRENCH THAT BARBIE COULD NOT BE LOCATED. THE STATE DEPARTMENT NOTIFIED HICOG THAT BARBIE SHOULD BE EXTRADITED IF LOCATED.

F. CIC AND HICOG RESPONSE TO STATE'S APPROVAL OF EXTRADITION. HICOG BEGAN THE EXTRADITION PROCESS IN THE HOPE THAT BARBIE WOULD EVENTUALLY BE LOCATED, AND AS PART OF THAT PROCESS IT REQUESTED FORMAL EUCOM "CLEARANCE" FOR EXTRADITION. AFTER BEING INFORMED OF THIS REQUEST FOR CLEARANCE, CIC TOLD EUCOM THAT EUCOM COULD TELL HICOG THAT BARBIE WAS "NO LONGER UNDER (CIC'S) CONTROL." THIS REPRESENTATION WAS FALSE, AS BARBIE REMAINED IN CIC'S CONTROL, OPERATING IN AUGSBURG. EUCOM APPARENTLY NOTIFIED HICOG THAT IT HAD NO OBJECTION TO EXTRADITION BUT THAT BARBIE WAS NOT UNDER EUCOM/CIC'S CONTROL. HICOG ISSUED AN ARREST WARRANT FOR BARBIE, BUT THIS EFFORT CAME TO NAUGHT BECAUSE BARBIE WAS NEVER APPREHENDED.

7. SECTION IV. ESCAPE TO BOLIVIA, 1951.

A. THE RAT LINE. IN AUSTRIA, THE 430TH CIC DETACHMENT HAD BEEN MAKING USE OF A "RAT LINE" AS A MEANS OF ESCAPE FOR DEFECTORS FROM BEHIND THE IRON CURTAIN AND U.S. INFORMANTS THERE. THIS "RAT LINE" HAD BEEN ESTABLISHED BY A CROATIAN PRIEST IN ROME, TO HELP CROATIANS WANTED BY THE YUGOSLAV GOVERNMENT TO ESCAPE TO SOUTH AMERICA THROUGH FALSE DOCUMENTATION.

B. PUTTING BARBIE IN THE RAT LINE. THE 66TH CIC IN GERMANY LEARNED OF THE RAT LINE AVAILABLE TO ITS COUNTERPART IN AUSTRIA IN DECEMBER 1950, AND DECIDED THAT THIS ESCAPE ROUTE WOULD BE THE BEST MEANS OF DEFUSING THE BARBIE SITUATION. THE 430TH CIC INDICATED ITS WILLINGNESS TO COOPERATE IN ASSISTING THE 66TH CIC, AND CIC/EUCOM APPROVED THIS SOLUTION.

C. BARBIE'S TRAVELS IN THE RAT LINE. IN FEBRUARY 1951, THE 66TH CIC OBTAINED TRAVEL DOCUMENTS FOR BARBIE AND HIS FAMILY AND TURNED HIM OVER TO AGENTS OF THE 430TH. THESE AGENTS ESCORTED BARBIE OUT OF GERMANY AND PLACED HIM WITH THE CROATIAN PRIEST, WHO OBTAINED PASSPORTS FROM THE INTERNATIONAL RED CROSS IN THE NAME OF "ALTMANN" AND VISAS FOR IMMIGRATION OF THE "ALTMANN" FAMILY TO BOLIVIA. IN MARCH 1951, BARBIE/ALTMANN AND HIS FAMILY LEFT GENOA AND SETTLED IN BOLIVIA.

D. EPILOGUE. THIS APPEARS TO HAVE BEEN THE ONLY

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INSTANCE WHERE EITHER THE 66TH OR 430TH CIC PLACED A KNOWN OR SUSPECTED NAZI WAR CRIMINAL IN THE "RAT LINE" AND ASSISTED HIS ESCAPE TO SOUTH AMERICA.

8. SECTION V. BARBIE IN BOLIVIA, 1951-1983.

A. THE ABSENCE OF ANY RELATIONSHIP WITH THE CIA.

THERE IS NO EVIDENCE THAT BARBIE WAS EMPLOYED OR PAID BY THE CIA, OR HAD ANY RELATIONSHIP WITH THAT AGENCY, DURING HIS RESIDENCE IN BOLIVIA.

B. THE ARMY'S INTEREST IN "REACTIVATING" BARBIE IN 1965-67. IN THE MID-SIXTIES, THE ARMY CONTEMPLATED THE PROSPECT OF CONTACTING BARBIE IN BOLIVIA TO SEE IF HE COULD BE USEFUL IN INTELLIGENCE GATHERING THERE. THE ARMY RAISED THE POSSIBILITY WITH THE CIA WHICH, AFTER REVIEWING THE HISTORY OF BARBIE'S INVOLVEMENT WITH CIC, SUGGESTED THAT, IF BARBIE'S PAST RELATIONSHIP WITH THE ARMY WERE EVER DISCOVERED, AN ONGOING USE OF HIM COULD HAVE SERIOUS CONSEQUENCES. CIA TOLD THE ARMY THAT IT WOULD CONSIDER REACTIVATION OF BARBIE ONLY IF HE WAS IN A POSITION TO PROVIDE HIGHLY IMPORTANT INFORMATION UNDER HIGHLY SECURE CONDITIONS. THE ARMY EVENTUALLY DROPPED THE IDEA, AND BARBIE WAS NEVER CONTACTED.

C. BARBIE'S ENTRIES TO THE UNITED STATES. UNDER THE NAME ALT?ANN, BARBIE ENTERED THE AUNITED STATES TWICE, ONCE IN 1969 AND ONCE IN 1970, FOR PERIODS OF ABOUT A WEEK EACH TIME. THESE VISITS WERE IN CONNECTION WITH HIS POSITION AS MANAGER OF THE STATE-OWNED BOLIVIAN SHIPPING COMPANY, AND THE AVAILABLE EVIDENCE SUGGESTS THAT HE CAME TO THE UNITED STATES TO ARRANGE CARGOES FOR THAT COMPANY. THERE IS NO EVIDENCE OF ANY ILLICIT ACTIVITIES OR U.S. GOVERNMENT INVOLVEMENT IN THESE VISITS.

D. BARBIE'S INVOLVEMENT IN CRIMINAL ACTIVITIES.

DESPITE RUMORS THAT, WHILE LIVING IN BOLIVIA, BARBIE WAS INVOLVED IN DRUG SMUGGLING OR WEAPONS TRANSACTIONS THAT INVOLVED U.S. FIRMS, THIS INVESTIGATION UNCOVERED NO EVIDENCE THAT WOULD SUBSTANTIATE SUCH ALLEGATIONS.

9. SECTION VI. CONCLUSIONS AND RECOMENDATIONS.

I. CONCLUSIONS.

A. RECRUITMENT AND USE OF BARBIE, 1947-49. THERE ARE TWO STRONG OPPOSING ARGUMENTS ON THE USE OF **KLAUS**

BARBIE: FIRST, THAT THE UNITED STATES NEEDED TO AVAIL ITSELF OF ALL RELIABLE RESOURCES IN GATHERING EVIDENCE ON COMMUNIST INFLUENCE IN GERMANY; SECOND, THAT IT WAS A DISGRACE TO USE A GESTAPO CHIEF TO ADVANCE U.S. INTERESTS. NEITHER ARGUMENT DISPLACES THE OTHER; EACH HAS LEGITIMACY. THE DECISION TO USE BARBIE, THEREFORE, WAS A DEFENSIBLE ONE, EVEN IF NOT THE ONLY DEFENSIBLE ONE. THIS CONCLUSION RESTS ON THE CONDITION THAT U.S. INTELLIGENCE PERSONNEL DID NOT HAVE REASON TO BELIEVE THAT BARBIE WAS GUILTY OF, OR WANTED FOR, WAR CRIMES. CAREFUL CONSIDERATION OF THE AVAILABLE EVIDENCE LEADS TO THE CONCLUSION THAT THEY DID NOT. THE EVIDENCE OF WAR CRIMES GATHERED BY THE FRENCH WAS NOT SUBMITTED TO THE U.S. UNTIL 1950, AND THE 1945 LISTING OF BARBIE AS WANTED FOR "MURDER", DID NOT, UNDER THE CIRCUMSTANCES, GIVE THE ARMY ADEQUATE NOTICE OF POSSIBLE WAR CRIMES.

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B. CIC'S RESPONSE TO HICOG, 1950. WHEN ALLEGATIONS OF BARBIE'S COMPLICITY IN WAR CRIMES WERE PUBLICLY RAISED IN FRANCE IN 1950, FRANCE ATTEMPTED TO OBTAIN BARBIE'S EXTRADITION FROM HICOG. IT WAS DECIDED AT CIC HOWEVER, "NOT TO PUT BARBIE IN THE HANDS OF THE FRENCH," AND CIC OFFICIALS TOLD HICOG THAT THEY DID NOT KNOW WHERE BARBIE WAS, DESPITE THE FACT THAT THEY WERE THEN EMPLOYING HIM. CONSIDERIN; ALL THE FACTS AND CIRCUMSTANCES, THIS WAS A KNOWING OBSTRUCTION OF HICOG'S EFFORTS TO LOCATE BARBIE AND RESPOND TO THE FRENCH AND WRONGFULLY IMPEDED THE DUE AND PROPER ADMINISTRATION OF LAW.

C. THE ESCAPE OF BARBIE THROUGH THE RAT LINE. BY PROCURING BARBIE'S ESCAPE TO SOUTH AMERICA, CIC CONTINUED ITS OBSTRUCTION OF JUSTICE BY ENSURING THAT HICOG WOULD NOT BE ABLE TO LOCATE HIM AND EFFECT HIS EXTRADITION TO FRANCE. THERE IS NO EVIDENCE THAT THIS METHOD WAS USED TO ASSIST EX-NAZIS IN ANY OTHER INSTANCE.

II. RECOMMENDATIONS.

A. CRIMINAL PROSECUTION. THE STATUTE OF LIMITATIONS HAS EXPIRED ON ANY PROSECUTION THAT MIGHT OTHERWISE HAVE BEEN BROUGHT BASED O; THE FACTS REVEALED IN THIS INVESTIGATION.

B. LEGISLATION OR REGULATORY REFORMS. WHILE THE EMPLOYMENT OF BARBIE BY U.S. INTELLIGENCE IS SUBJECT TO CRITICISM, THERE IS NO PRACTICAL OR ENFORCEABLE LEGISLATIVE OR REGULATORY SCHEME THAT COULD EFFECTIVELY DEFINE THE CLASS OF PERSONS INELIGIBLE TO BE USED AS U.S. INFORMANTS. AND BECAUSE OBSTRUCTION OF JUSTICE WAS AND IS A VIOLATION OF U.S LAW, NO FURTHER LEGISLATIVE OR REGULATORY REFORMS WOULD BE PRACTICAL.

10. PUBLIC DISCLOSURE OF ANY SUBSTANCE OF THIS SUMMARY SHOULD NOT TAKE PLACE UNTIL FULL REPORT IS RELEASED IN WASHINGTON. SHULTZ UNQUOTE DAM

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